

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

NICOLE GORE,

Plaintiff,

v.

BANNER FINANCE OF S.A. INC. and  
BANNER FINANCE OF MARION,

Defendants.

Case No. 10-cv-218-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Nicole Gore's motion to voluntarily dismiss Count II (Doc. 18), which the Court construes as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss all claims against a defendant without a court order at any time before the defendant serves an answer or a motion for summary judgment. Defendant Banner Finance of Marion has not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss her claim against Banner Finance of Marion at the present time, the Court finds that Count II is **DISMISSED without prejudice**. Defendant Banner Finance of Marion is terminated from this case.

**IT IS SO ORDERED.**

**DATED: May 24, 2010**

s/ J. Phil Gilbert

**J. PHIL GILBERT  
DISTRICT JUDGE**